

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

STEVEN DEEM §  
VS. § CIVIL ACTION NO. 1:03cv571  
DAVID DOUGHTY, ET AL. §

MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Steven Deem, an inmate at the Stiles Unit, proceeding *pro se* and *in forma pauperis*, brought this civil rights suit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends plaintiff's motion for injunctive relief and sanctions (docket entry no. 114) be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes plaintiff's objections are without merit.

While plaintiff complains of the conditions of confinement at the prison, plaintiff has neither alleged nor demonstrated he has been injured as a result of the conditions at the prison. Further, plaintiff has failed to demonstrate any harm concerning access to the courts. Any potential harm or

fear of harm in the future is merely speculative at this point. "Speculative injury is not sufficient, there must be more than an unfounded fear on the part of the applicant." *Holland America, Ins. Co. v. Succession of Roy*, 77 F.2d 992, 997 (5th Cir. 1985).

O R D E R

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

**ORDERED** that plaintiff's motion for injunctive relief and sanctions is **DENIED**.

So **ORDERED** and **SIGNED** this **27** day of **March, 2007**.



---

Ron Clark, United States District Judge